

FINAL STATEMENT OF REASONS

1) The Update to the Initial Statement of Reasons

There are no changes to the initial statement of reasons which is hereby incorporated by reference.

2) Imposition of Mandate on Local Agencies or School Districts

The department's regulatory action adopting Section 147.00 in Article 2.7, Chapter 1, Division 1 of Title 13, does not impose any mandate on local agencies or school districts and imposes (1) no cost or savings to any state agency, (2) no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, (3) no other discretionary cost or savings to local agencies, and (4) no cost or savings in federal funding to the state. No studies or data were relied upon to make this determination.

3) Summary of Comments Received and Department Response

W-1 COMMENT: David J. Humphreys of Recreation Vehicle Industry Association (RVIA) – Letter dated 12/20/03

Mr. Humphreys states the RVIA opposes the physician certification requirement on the Physician's Health Report Form 546A. RVIA believes the physician requirement is unduly burdensome on operators of over 40 foot house cars. The association proposes as an alternative that DMV require operators of over 40 foot house cars to self certify as to their medical condition on Health Questionnaire Form 546. This form is currently being used for individuals desiring to tow a travel trailer with a gross vehicle weight exceeding 10,000 pounds and fifth wheel trailers exceeding 15,000 pounds. Mr. Humphreys states there are currently 43 states that permit house cars over 40 feet and 11 of these states, including California, require both a written and practical test. Mr. Humphreys states evidence of a medical problem could be detected during the operational test. No state, except for California, requires any health questionnaire to be completed. Other states have reached the conclusion that such health questionnaires are not necessary due to the excellent safety record of house car operators.

Mr. Humphreys states that house cars over 40 feet have been operated in California for over 10 years without incident. This historical record supports RVIA's belief that only drivers who are physically and mentally capable of operating these larger house cars are purchasing them. He further states if there is a change in the driver's medical condition for the worse, the vehicle is sold.

To support his comments, Mr. Humphreys cites the National Highway Traffic Safety Administration (NHTSA) statistics which indicate that there have been no identified fatalities in the nation connected with accidents involving house cars over 40 feet in length. Also, no additional insurance premiums are being charged for these vehicles based on length.

Mr. Humphreys states that AB 67 requires the California Highway Patrol (CHP) to collect accident statistics on an ongoing basis for all house cars over 40 feet in length and to report to the legislature so that both the administration and the legislature can make any necessary changes to the statute. Mr. Humphreys states this data collection by CHP should address DMV's concerns about the safety of operating house cars over 40 feet in length.

RESPONSE:

The department is authorized under Vehicle Code Section 12804.10(b) to determine the form for medical disclosure and to determine who will review and sign the health questionnaire. The Physician's Health Report contains the same medical questions used in the Health Questionnaire for a non-commercial class B license. Since commercial class B drivers, who drive similar vehicles (with air brakes), are required to have a full medical report signed by a health professional, the department determined that a modified health report signed by a physician is required to make sure the applicant is capable of handling a house car over 40 feet, often equipped with air brakes, that weighs from 26,001 to 50,000 pounds.

In reviewing the National Highway Traffic Safety Administration's (NHTSA's) Fatal Analysis Reporting System (FARS) statistics, house cars over 40 feet are not specifically addressed. The closest statistical categories listed in FARS are "van-based house cars, light truck-based house cars, large truck based house cars and unknown truck camper house cars." The length of a vehicle is not considered in these statistics. The department tried to obtain statistics from other states but we were unable to find any statistics on house car operators' health conditions or accident rates.

The Department of Insurance Regulations indicates that the primary insurance rating factors are driver safety record, annual mileage, and years of driving experience. The regulations also indicate that an insurance company may utilize additional rating factors such as type of vehicle and how the vehicle is used.

There are no statistics to support Mr. Humphrey's comment, "... other states have concluded that health questionnaires are not necessary due to the excellent safety record of house car operators." To assume lack of statistics to prove a safety point could prove dangerous. Self-certification would not address the department's ability to observe health changes after the initial application, as a personal appearance at the department is not always necessary for renewal. A physician is best qualified to make a diagnosis and prognosis based on the applicant's medical information.

If house cars over 40 feet have been operated in California for the past 10 years, they have been operated illegally. There are no statistics on their safety record nor can DMV or CHP verify that only physically capable individuals have been operating these types of vehicles. The bill (AB 67, Ch 658) that enacted Vehicle Code Sections 12804.10 and 35400 was an urgency bill and

became effective October 9, 2001. Vehicle Code Section 35400 requires the California Highway Patrol (CHP) to report to the legislature no later than February 1, 2003, and on February 1, 2004, regarding the number of house cars that are involved in traffic collisions during the calendar year prior to the reporting date. However, the initial report has not been completed and is not expected to be completed until July 2003.

W-2 COMMENT: Susan Bray, Vice President/Executive Director, The Good Sam Club – Letter dated 12/24/02

Ms. Bray states that during the development of this legislation, it was her understanding that the procedure for the house car drivers would be similar to the legislation that was passed several years ago for drivers towing heavy trailers and fifth wheels. Drivers towing heavy trailers and fifth wheels obtain their endorsement by taking a specially designed written test and completing a medical questionnaire. It was her understanding that the only difference between these requirements and those for the house car drivers would be the additional driving test specified in the legislation.

Ms. Bray states that the proposal will add a provision to the California Code of Regulations requiring drivers of house cars over 40 feet to obtain a commercial class A or B license to operate their vehicles. This was not the intent of the legislation and Ms. Bray is asking that the department reconsider and re-evaluate this proposal. Specifically, she objects to the introduction of the full medical exam requirement when the self medical evaluation has worked so well for travel trailer drivers.

RESPONSE:

During Committee meetings held with the department and the RV industry, the proposed medical review by a physician was discussed. The RV industry at that time did not voice any opposition to this requirement. The department is not asking for a full medical report. The questions asked are directed toward specific health areas that influence driving skills. A physician is best qualified to make a diagnosis and prognosis based on the applicant's medical information.

The Physician's Health Report contains the same medical questions used in the Health Questionnaire for a noncommercial class B license. The department is authorized under Vehicle Code Section 12804.10(b) to determine the form for medical disclosure and to determine who will review and sign the health questionnaire. Since commercial class B drivers, who drive similar vehicles (with air brakes), are required to have a full medical report signed by a health professional, the department determined that a modified health report signed by a physician is required to make sure the applicant is capable of handling a house car over 40 feet with air brakes and that weighs from 26,001 to 50,000 pounds.

This regulation will not require a driver of a house car over 40 feet to obtain a commercial class A or B license. The type of license required for operating this type of house car is a class B, non-commercial, with house car endorsement. A house car over 40 feet is a single vehicle, often equipped with air brakes, and having a gross vehicle weight rating from 26,001 to 50,000 pounds. In general, house cars over 40 feet require extra space on the road and require slower directional changes, as well as other factors, which affect handling characteristics.

W-3 COMMENT: Donald M. Tallman, Representative, Family Motor Coach Association – Fax dated 12/30/02.

Mr. Tallman states the Family Motor Coach Association is opposed to the regulation as follows:

- Requiring a medical doctor to sign the medical form.
- Including the blanket approval for the State to obtain additional medical information.
- The number and amount of medical information seems excessive for a “non-commercial” type license.

RESPONSE:

The department is authorized under Vehicle Code Section 12804.10(b) to determine the form for medical disclosure and to determine who will review and sign the health questionnaire. Since commercial class B drivers, who drive similar vehicles (with air brakes), are required to have a full medical report signed by a health professional, the department determined that a modified health report signed by a physician is required to make sure the applicant is capable of handling a house car over 40 feet with air brakes and that weighs from 26,001 to 50,000 pounds.

In comparing the Physician’s Health Report with the self-certified Health Questionnaire, the medical questions are the same with the only exception of being seen by a physician. A physician is best qualified to make a diagnosis and prognosis based on the applicant’s medical information.

The statement that the applicant signs on the Physician’s Health Report is the same statement that appears on the self-certified Health Questionnaire, as well as the Medical Examination Report for commercial drivers. The applicant must authorize the department to contact his or her physician to clarify any medical information provided.

4) Determination of Alternatives

No reasonable alternative considered by the department, or that has otherwise been identified and brought to the attention of the department, would be more effective in carrying out the purpose for which these regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations. During the rulemaking process, no alternative that would lessen the adverse economic impact on small business was submitted.